

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of April, two thousand eleven.

PRESENT:

ROSEMARY S. POOLER,
ROBERT D. SACK,
RICHARD C. WESLEY,
Circuit Judges.

Gejza Sabo,
Petitioner,

v.

10-1990-ag
NAC

ERIC H. HOLDER, JR.,
UNITED STATES ATTORNEY GENERAL,
Respondent.

FOR PETITIONER: Elyssa N. Williams, New Haven, CT.

FOR RESPONDENT: Tony West, Assistant Attorney General; Carl H. McIntyre, Jr., Assistant Director; Jacob A. Bashyrov, Trial Attorney, Office of Immigration Litigation, United States Department of Justice, Washington, D.C.

1 UPON DUE CONSIDERATION of this petition for review of a
2 Board of Immigration Appeals ("BIA") decision, it is hereby
3 ORDERED, ADJUDGED, AND DECREED, that the petition for review
4 is DENIED.

5 Gejza Sabo, a native and citizen of Slovakia, seeks
6 review of an April 22, 2010, decision of the BIA affirming
7 the April 4, 2008, decision of Immigration Judge ("IJ")
8 Douglas Schoppert, which denied Sabo's application for
9 withholding of removal and relief under the Convention
10 Against Torture ("CAT"). *In re Gejza Sabo*, No. A099 429 400
11 (B.I.A. Apr. 22, 2010), *aff'g* No. A099 429 400 (Immig. Ct.
12 N.Y. City Apr. 4, 2008). We assume the parties' familiarity
13 with the underlying facts and procedural history in this
14 case.

15 Under the circumstances of this case, we review both
16 the IJ's and the BIA's opinions "for the sake of
17 completeness." *Zaman v. Mukasey*, 514 F.3d 233, 237 (2d Cir.
18 2008). The applicable standards of review are well-
19 established. See 8 U.S.C. § 1252(b)(4)(B); see also *Corovic*
20 *v. Mukasey*, 519 F.3d 90, 95 (2d Cir. 2008); *Bah v. Mukasey*,
21 529 F.3d 99, 110 (2d Cir. 2008). For asylum applications
22 such as this one, governed by the REAL ID Act, the agency

1 may, considering the totality of the circumstances, base a
2 credibility finding on the plausibility of an asylum
3 applicant's account or inconsistencies in his statements
4 without regard to whether they go "to the heart of the
5 applicant's claim." 8 U.S.C. § 1158(b)(1)(B)(iii).

6 Contrary to Sabo's position, substantial evidence
7 supports the agency's adverse credibility determination.

8 The agency reasonably relied on Sabo's inconsistencies and
9 implausibilities in Sabo's testimony and applications in
10 arriving at its decision. *See Xiu Xia Lin v. Mukasey*, 534
11 F.3d 162, 166-167 (2d Cir. 2008). As the IJ noted, Sabo's
12 original asylum application provided that he was a lifelong
13 Jehovah's Witness and was married to Marta Ivanova, but he
14 testified that the application was completely false. That
15 original application described several incidents occurring
16 in Slovakia in 2003 and 2004, but Sabo later admitted that
17 he had been living in the United States since 2000. With
18 Sabo having admitted to these falsehoods, it was reasonable
19 for the IJ to find him not credible. *See Siewe v. Gonzales*,
20 480 F.3d 160, 170 (2d Cir. 2007) (holding that even a single
21 false statement may reasonably "infect the balance of the
22 alien's uncorroborated or unauthenticated evidence"). The

1 IJ also reasonably found it implausible that Sabo would
2 leave his home country over the two relatively minor
3 incidents listed in his second application, as Sabo himself
4 testified that the incidents were not serious. *See Wensheng*
5 *Yan v. Mukasey*, 509 F.3d 63, 67 (2d Cir. 2007) (holding that
6 this Court will not disturb the inherent implausibility
7 finding so long as an IJ's finding is "tethered to record
8 evidence, and there is nothing else in the record from which
9 a firm conviction of error could properly be derived").
10 Given these inconsistencies and implausibilities, the
11 agency's adverse credibility finding is supported by
12 substantial evidence. *See* 8 U.S.C. § 1158(b)(1)(B)(iii);
13 *see also Xiu Xia Lin*, 534 F.3d at 166, 167 (holding that
14 "[w]e defer . . . to an IJ's credibility determination
15 unless, from the totality of the circumstances, it is plain
16 that no reasonable fact-finder could make such an adverse
17 credibility ruling"). Because Sabo's claims all were based
18 on the same factual predicate, the agency's adverse
19 credibility determination was a proper basis for the denial
20 of both withholding of removal and CAT relief. *See Paul v.*
21 *Gonzales*, 444 F.3d 148, 156 (2d Cir. 2006).

22 For the foregoing reasons, the petition for review is

1 DENIED. As we have completed our review, the pending motion
2 for a stay of removal in this petition is DISMISSED as moot.

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4 FOR THE COURT:
5 Catherine O'Hagan Wolfe, Clerk
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